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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TERESA RICHARDSON,

11 Plaintiff,

12 v.

13 IBEW PACIFIC COAST PENSION
14 FUND,

15 Defendant.

CASE NO. C19-0772JLR

ORDER REGARDING CASE
SCHEDULE

16 Before the court is the parties' joint status report.¹ (*See* JSR (Dkt. # 11).) This is
17 an action under the Employee Retirement Income Security Act ("ERISA") for injunctive
18 and declaratory relief that is based on a judicial review of the administrative record. (*See*
19 *generally* Compl. (Dkt. # 1); *see also* JSR at 1.) Therefore, the action is exempt from

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21 ¹ The parties' late filing of a joint status report does not fulfill the obligation of counsel to
22 respond to the court's show cause order. (*See* OSC (Dkt. # 10); *see also* 7/22/19 Order (Dkt.
5).) Counsel is still required to file a response to the court's show cause order no later than
September 9, 2019, explaining the failure to timely abide by the court's July 22, 2019, order.
(*See* OSC at 1-2.)

1 initial disclosures under Federal Rule of Civil Procedure 26(a)(1)(B)(i). *See* Fed. R. Civ.
2 P. 26(a)(1)(B)(i). Further, the parties represent that they do not intend to conduct any
3 discovery or submit any evidence other than the administrative record. (JSR at 1.) In
4 their joint status report, the parties indicate that this matter will be ready on February 10,
5 2020, for a non-jury, one-day trial based on the administrative record.² (*Id.* at 3-4.)

6 Based on the parties' representations, the court sets the trial date for March 16,
7 2020. The court concludes that the pretrial deadlines contained in its standard scheduling
8 order are largely inapplicable to this ERISA action based on the administrative record.
9 Accordingly, the court ORDERS the parties to confer and file a joint proposed case
10 schedule for this matter, which includes the date by which the administrative record will
11 be filed and all other intermediate deadlines necessary to bring this action to a trial on the
12 administrative record on March 16, 2020. In proposing a joint schedule, the parties
13 should bear in mind that all briefing or other submissions related to the trial must be
14 completed and filed at least 45 days prior to the trial date. If the parties cannot agree on a
15 proposed case schedule, they may submit their dueling proposals in the same document.

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20 ² It is the court's experience that the taking of testimony in administrative record review
21 cases is rare and that the parties often opt for a hearing devoted to the oral argument of counsel
22 on cross motions instead. In their proposed case schedule, the parties should advise the court
whether they anticipate the need for a traditional bench trial or if oral argument from counsel will
be sufficient in this instance.

1 The parties shall file their proposed case schedule no later than 14 days from the filing
2 date of this order.

3 Dated this 5th day of September, 2019.

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6 JAMES L. ROBART
7 United States District Judge
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